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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON**

In re:

Case No. 18-03197

GIGA WATT, Inc., a Washington corporation,

The Honorable Frederick P. Corbit

**DECLARATION OF MARK D.
WALDRON IN SUPPORT OF
CHAPTER 11 TRUSTEE'S
OBJECTION TO COMMITTEE'S
MOTION TO FILE ADVERSARY
PROCEEDING AGAINST
DOUGLAS COUNTY PUD FOR THE
BENEFIT OF THE BANKRUPTCY
CASE**

I, Mark D. Waldron, in my official capacity as the Chapter 11 Trustee (the “Trustee”) hereby declare:

1. I am the duly-appointed trustee in the above-captioned bankruptcy case. I submit this declaration in support of the *Chapter 11 Trustee's Objection to Committee's Motion to File Adversary Proceeding Against Douglas County PUD*

DECLARATION OF MARK D. WALDRON IN SUPPORT OF CHAPTER 11
TRUSTEE'S OBJECTION TO COMMITTEE'S MOTION TO SUE
DOUGLAS COUNTY PUD

1 *for the Benefit of the Bankruptcy Case* (the “**Objection**”). The statements set forth
2 herein are based on my investigation of the Debtor’s affairs, which is ongoing,
3 and except where otherwise noted, are based on personal knowledge. If called as a
4 witness, I would and could competently testify thereto. Unless otherwise defined
5 herein, capitalized terms have the meanings ascribed to them in the Objection.

6 2. Despite its own formidable rights of investigation, the Committee has
7 not interviewed any of the relevant parties, including Lisa Parks of the Chelan
8 Douglas Regional Port Authority, formerly known as the Port of Douglas County,
9 Gary Ivory of the Public Utility District No. 1 of Douglas County, Washington or
10 their attorneys, Bill Hames, Kathryn McKinley and Evan McCauley. In contrast, I
11 have interviewed each of these parties. Furthermore, before the Committee filed
12 the Motion, I agreed to confer with the Committee’s special counsel regarding
13 claims alleged against the District. I also promised that if the special counsel
14 raised a colorable theory, then I would conduct discovery. I also agreed to keep
15 the Committee apprised of my analysis.

16 3. In my judgment, now is not the time to expend the estate’s limited
17 resources on litigation that is not directly tied to my current efforts to monetize the
18 Debtor’s assets for the benefit of creditors. Currently, I am in the final stages of
19 selling the Debtor’s facility, commonly known as the “TNT Facility,” as a going
20 concern. The next step will be to wind down the Debtor’s facility in Moses Lake,
21 Washington and finalize my litigation analysis. At that point, I expect to submit a
22 plan, providing for a litigation trust, on which the creditors can vote. If the plan is

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1 confirmed, appropriate litigation would be commenced post-confirmation. In my
2 judgment, there is no reason to alter that timeline.

3 Executed this 27th day of April 2020.

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5 *Mark D. Waldron, in his official capacity as*
6 *Chapter 11 Trustee in the above-captioned case*

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